



UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/497,967 02/04/00 CLARK

T 235.00170101

HM22/0703

Victoria A Sandberg
Mueting Raasch & Gebhardt PA
P O Box 581415
Minneapolis MN 55458

EXAMINER

FIELDS, I

ART UNIT

PAPER NUMBER

1645

DATE MAILED: 07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks



Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
Iesha Fields	
ART UNIT	PAPER NUMBER
1645	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN ONE EXTENDIBLE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to _____ whose telephone number is (703) 30 _____

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, 14-21 and 23, drawn to DNA, classified in class 536, subclass 23.1.
 - II. Claims 12-20, drawn to a polypeptide, classified in class 530, subclass 350.
 - III. Claim 22, drawn to a fish comprising a nucleic acid, classified in class 435, subclass 6.
 - IV. Claim 31, drawn to a method for identifying an *Ichthyophthirius multifiliis* serotype, classified in class 435, subclass 7.22 .
 - V. Claims 24 and 32-35, drawn to a method for inducing an immune response, classified in class 530, subclass 387.9.
 - VI. Claims 25-30, drawn to a method of detecting a DNA molecule, classified in class 435, subclass 6.

Groups I-VI are further restricted according to MPEP 803.04 which recites that nucleotide sequences encoding different proteins are structurally distinct chemical compounds and are unrelated to one another. Applicants are required to elect a single

nucleotide sequence or a single protein sequence for examination. In addition, applicant should also elect either a 55 kDa i-antigen protein or a 48 kDa i-antigen protein or the DNA encoding one of the antigens for examination. The claims will only be examined to the extent of either the elected nucleic acid or the polypeptide.

2. The inventions are distinct, each from the other because of the following reasons:

Invention I drawn to a DNA molecule and Invention II drawn a polypeptide molecule are distinct since they are products with different structure and biological properties. The protein is made of amino acids whereas the nucleic acid molecule consists of nucleotides. Further methods known in the art used to make the polypeptide require different reagents and parameters from the methods of making nucleic acid encoding the protein and the method of making the polypeptide does not require the nucleic acid. For instance, the protein can be made by Merrifield chemical synthesis or affinity chromatography.

Invention III drawn to a fish comprising a nucleic acid is distinct from Inventions I-II and IV-VI, since it is a product with different structure and biological properties.

Inventions IV-VI drawn to methods of using the polynucleotide and polypeptide are distinct from inventions I-III since the products can be used in materially different ways as claimed.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their separate classification and their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iesha P Fields whose telephone number is (703) 605-1208. The examiner can normally be reached on 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (703) 308-3909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3014 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Iesha Fields

July 2, 2001



MARK NAVARRO
PRIMARY EXAMINER